

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, June 19, 2007

MEMBERS

PRESENT: Appleby, Funk, Mikesell, Ritter, Schneider, Simpson, Soderberg and Yarnevich

MEMBERS

ABSENT: Bonilla-Baker

STAFF

PRESENT: Andrew, Asche, Burger, Herrs and Place

Mr. Simpson called the meeting to order at 4:00 p.m. and asked whether there were any changes to the printed agenda.

Mr. Andrew stated the only item that might be out of order is Item #2. The applicant is not yet present. We may want to skip over that and wait for him to arrive.

Item #1. Approval of the minutes of the regular meeting held on May 15, 2007.

The minutes of the May 15, 2007 meeting were approved as presented.

Item #2. Application #P07-2/2A, filed by Kevin Christensen on behalf of Commercial Tire Center, Inc., requesting approval of a replat of a portion of the Hocking Addition to the City of Salina, Saline County, Kansas. The subject property is located on the north side of West Crawford Street west of I-135. Continued from the May 1, 2007 meeting.

Mr. Simpson stated we'll defer taking up Item #2 since Mr. Christensen is not here at the moment and move on to Item #3.

Item #3. Application #M07-8, filed by Cheryl Tillberg Murray, requesting to change the official street name of three (3) public streets in River Trail Addition.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mr. Simpson asked are there any questions of Dean? Hearing none, would the applicant care to comment for the Commission?

Cheryl Tillberg Murray, 2225 E. Magnolia, stated we have five kids between my brother and I and these were the three that were not born at the time River Trail was platted. We thought we would try to make that change.

Mr. Simpson stated very good. Any questions of Mrs. Murray? Seeing none we'll bring it back to the Commission for discussion and action.

MOTION: Mrs. Yarnevich stated I move we approve Application #M07-8 as requested.

SECOND: Mr. Ritter.

Mr. Simpson stated it has been moved and seconded that we approve the street name changes in Application #M07-8. Any questions or comments?

Mr. Funk stated the naming of these circles the way Salina does it is one of my pet peeves. Here you've finally got one that does exactly what I think ought to be done, naming courts and circles off of the streets so they're easily identified. I'm completely opposed 110% to this.

Mr. Simpson asked from circles to courts?

Mr. Funk stated no the names. I think it ought to be Saddlebrook Court, Saddlebrook Circle, or Murray Circle coming off of Murray Lane or coming off of Saddlebrook Drive. It's the way it should be now.

Mr. Simpson asked any other comments? Seeing none it appears we are ready to vote. Those in favor say "aye", opposed same sign.

VOTE: Motion carried 7-1 (Funk).

Mr. Simpson stated we'll go back to Item #2.

Item #2. Application #P07-2/2A, filed by Kevin Christensen on behalf of Commercial Tire Center, Inc., requesting approval of a replat of a portion of the Hocking Addition to the City of Salina, Saline County, Kansas. The subject property is located on the north side of West Crawford west of I-135. Continued from May 1, 2007 meeting.

Mr. Andrew presented staff report with visual graphics which is contained in the case file.

Mr. Simpson asked are there any questions of Dean or members of the staff?

Mrs. Yarnevich asked if these properties were to change hands and the access easements are not part of the plat, then what?

Mr. Andrew stated what we've suggested there in Condition #3 is that they record those easements separately. So it would be similar to what we have with plats where we'd have a plat that gets recorded and separate from the plat we would have a set of restrictive covenants that would get recorded with that. We would work to make sure those get recorded so they run with the land. We've had a recent example we worked with, they took the Taco Bell on West Crawford and tore the existing Taco Bell down and built a brand new one in the same location. But when you drive out of the Taco Bell over there you are actually driving across Western Sizzlin' property. So they have a shared driveway and cross-access easement for their respective customers and they've recorded that agreement separately. We'd be looking at something like that here. We would make sure that it got recorded and make sure that way it would run with the land no matter who the owner was.

Mr. Simpson asked any other questions?

Mr. Appleby asked how is the maintenance for these two drives covered?

Mr. Andrew stated I think we'll defer to Mr. Christensen on that. But if there is a shared driveway that customers of both owners are going to be using then it's customary for those cross-access easements to also address maintenance, filling in potholes, resurfacing and those types of things. Our advice is even if it's a residential driveway that is going to be shared that you need to commit something to writing to say how maintenance is going to be addressed in the future so that if truck traffic from business A is driving across business B's driveway that there is some agreement between A and B as to how maintenance of that will be addressed. We would think that under Condition #3 there the cross-access easements would also address maintenance.

Mr. Simpson asked any other questions? Mr. Christensen would you care to address the Commission?

Kevin Christensen stated no I think Dean pretty much covered it all.

Mr. Simpson stated ok. You're in agreement with the easements and the conditions concerning maintenance?

Mr. Christensen stated yes.

Mr. Simpson asked would anyone else care to address this application? There appears to be none. We'll bring it back to the Commission for discussion and action.

MOTION: Mr. Funk stated I move we approve Application #P07-2/2A with the three recommended conditions listed on page 4 of the staff report.

SECOND: Mrs. Yarnevich.

Mr. Simpson stated it has been moved and seconded that we approve Application #P07-2/2A with the conditions noted. Any further comments or questions? There appears to be none. Those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Item #4. Application #Z07-7, filed by the Salina Planning Commission, requesting amendment of Article X Signs by adding terms and definitions to Section 42-506 of the Sign Regulations. Continued from the May 15, 2007 meeting.

Mr. Herrs presented the staff report which is contained in the case file.

Mrs. Yarnevich asked the flashing, blinking, pulsating signs are those the ones like we saw?

Mr. Herrs stated if you're talking about the large Daktronics board that Patrick brought in that had the moving animation and video, that would fall under the computer operated electronic message signs.

Mrs. Yarnevich stated ok.

Mr. Mikesell stated the flashing and pulsating signs I would give an example, you see a lot of changeable copy boards that have what they call a tracer or a chaser where the lights blink around the edge. That would be a good example.

Mr. Simpson asked at what point does that become scintillating?

Mr. Mikesell stated I had a question Dustin. Do all of these concern themselves strictly with exterior signage?

Mr. Herrs asked what do you mean by exterior signs? In other words, you're talking about signs that are inside of businesses?

Mr. Mikesell stated signs that are outside of a business. Do all of these concern themselves with signs that are outside of businesses? My point being, the one that comes to mind the most, is liquor stores. It's not uncommon for liquor stores to have large neon window signs that are meant to be read from the outside but physically they are on the inside.

Mr. Herrs stated I think it's all signage that is projected to potential customers outside of the actual structure. Is that correct Dean?

Mr. Andrew stated yes. We deal with that in the field of adult oriented businesses or adult oriented book stores in terms of how or what kind of advertising they have, what kind of window signs they have, what they may display in the window places. But we have a separate category of a window sign. You can have either a placard or an electronic sign that can be hung in the window. That would still be considered a regulated sign because it is designed to be seen from the outside and the traveling public.

Mrs. Yarnevich asked that would be considered in your total signage allowed for your property?

Mr. Andrew stated yes. It is especially common downtown to have window signs.

Mrs. Soderberg asked so how does that work in liquor stores where the whole window is filled with signs?

Mr. Herrs stated you'll see at convenience stores, liquor stores and businesses of that nature where they've have things advertising for Coke, Vault, Budweiser, Coors or whatever and a lot of times those fall into what we would consider banner-type signs. It isn't necessarily regulated. It's decorative but we don't regulate it.

Mr. Mikesell asked because they are temporary in nature?

Mr. Herrs stated yes, temporary in nature.

Mr. Funk asked wouldn't that also apply to these attention getter signs like the big hot air balloon above a car lot?

Mr. Herrs stated those would fall under our temporary sign code which is part of this same article but we aren't amending it today.

Mr. Funk asked or like at night a searchlight?

Mr. Herrs stated same thing.

Mr. Andrew stated I think it relates to the article that we attached that's on the next page. I'm familiar with that sign that's mentioned in that article. It's only a couple of blocks away from where my family lives. But the one thing that we will need to do and maybe get some guidance from Patrick on is if we're going to talk about flashing, blinking, pulsating signs there is going to need to be some definition by time interval or whatever about when does something become blinking or flashing and when does it not. The sign that caused them to put a moratorium on in Des Moines, I sat through some red lights there and at eight seconds it's almost imperceptible that it's moving or changing. That's a pretty long period of time. I saw one in Topeka and I timed it and it changed every five seconds. One of the things that we're going to have to work on from that standpoint is what is the definition of flashing or pulsating. You could have an image that changes but if it changes every eight seconds then that is not really flashing or pulsating. I don't think we share the idea that somehow these digital billboards are necessarily unsafe. But if they're programmed so that their changes are every five or eight seconds then that's not really enough to be distracting where it would come into that flashing or pulsating category. I think that's the next step if we create a category that says if you have a flashing or pulsating sign then we need you to define what that interval is. I don't know if there is a standard in the sign industry.

Mr. Mikesell stated right now it has a lot to do with the length of time you have to look at something. A good example is on I-670 going into

downtown Kansas City from the west there is a digital billboard on the right hand side on the south side there. It is on a very long time frame. I think it's on an eight or ten second time frame. But you have a very long time to look at that as you're going across the bridge there as you're going across the river. Conversely there are other ones where you have a short period of time to look at them and they depend on those to make the message go faster. Those are probably the ones from a safety standpoint that you need to have longer. Because you don't want somebody in a tricky traffic situation spending a long time looking up at a sign.

Mr. Funk asked does traffic safety ever become an issue with people trying to read these signs?

Mr. Mikesell state the one safety issue that I've been involved with is a digital sign that we put up in Concordia at the corner of 6th Street and 81 Highway there. The safety issue was that people were spending time during the stoplight when it was green that they were still reading the messages and not going. It didn't seem to be people running the stoplight, they were spending too long. They did ask them to turn down the brightness of the sign and they did change the length of time the messages were on there.

Mr. Andrew stated I think we would primarily look at glare, too much brightness and how quickly the image changes and how distracting that might be. Those would be the two primary safety issues that we would look at. But there has been quite a bit of research done on that and there is some perception that they're distracting but there hasn't been any transportation safety research that shows a direct connection between accidents and those types of signs.

Mr. Mikesell stated there is another functional sign, I don't know if any of you happened to notice it. They have a built-in kind of a louvre or a blind type of a thing from the LED and the perceptability of the sign goes down as you get more at a right angle to it. About 45% is what they consider one of the widest viewing angle they have. That kind of limits itself somewhat in that you can't be looking sideways at it.

Mrs. Yarnevich stated what are most of those sign in Las Vegas that flash, blink and carry on?

Mr. Mikesell stated actually Las Vegas is a big topic in all of our sign publications. They have some power issues there. There is a big push to go LED. So a lot of the old things that used to be in displays are now LED's. They use a different technology now to run chasers through there. They used to be these great big wheels that would mechanically switch and now they have little tiny boxes with thousands of them.

Mrs. Yarnevich asked do those come under the electronic changeable copy ones?

Mr. Mikesell state those would come under flashing or blinking. But there are a lot of signs out there that do both. The one with the pirates, Treasure Island, it has some chasing lights around the outside of the changeable electronic message center. So that would be a combination of both. In that case you would look at the worst evil there and make sure both of them comply with the area they are in.

Mr. Yarnevich stated the comment that I was going to make about that is when there are so many you don't pay attention. When there are one or two it is a distraction. Do you know what I'm saying?

Mr. Mikesell stated yes. Along these lines my personal belief is that with signs there used to be a height war. You've got ten businesses in town here and this guy puts his sign at 20 ft. and then this guy puts his sign at 25 ft. and by the time you get down to the end that guy has a 75 ft. tall sign and the guy driving down the street he doesn't look up like that anymore, he's looking straight ahead and the whole thing becomes a lost cause. I think there are some things that need to be regulated and I think there are some things for art sake that need to be done. They just need to be talked about in this kind of forum and worked out.

Mrs. Soderberg stated that was my question. I understand the safety issues. But would this also be an opportunity to look at this philosophically with visual pollution and that kind of thing, or are we even approaching it from that kind of angle?

Mr. Andrew stated I think at some point the entire Sign Code from the standpoint of the approach we currently take which is a sliding scale based on the square footage of building and things like that and not numerically limiting the number of signs, I think the whole philosophy would probably be looked at in it's entirety at some point. These are more technological catch-ups from the terms and definitions side of things, but the whole philosophy of how signage is regulated is something that will be looked at comprehensively.

Mrs. Soderberg asked so just by adding the electronic changeable copy sign, the computer operated electronic message doesn't necessarily mean we are endorsing that?

Mr. Andrew stated it just means that we are recognizing that it exists, the technology exists, and when somebody proposes putting it up then we have a category to put it in that recognizes that it is a type of sign that we need to classify just for regulatory purposes. It just means that technology is changing and more and more people are going to be proposing that type of thing.

Mrs. Soderberg asked if we don't do the one discussion fairly quickly then you have a number of those signs in the community before you have the discussion of if this is really what we want to have in the community?

Mr. Andrew stated you could have a separation of the issues. You could have situations like Galaxy Center. We used to point to Mid-State Plaza all the time but then they got rid of a number of their signs and merged them all onto a large pylon sign and now it's Galaxy Center where we don't limit the number of signs we just say you can have so many square feet of signage for the shopping center and if they want to have eight poles signs then they can. A lot of people think eight pole signs is cluttery. So that is a philosophical question. So the whole concept of using square footage or number of signs is something we will look at with the Sign Code.

Mr. Funk asked this then is step one in your Sign Code revision?

Mr. Andrew stated this is the definitional side. The second step would be how you regulate them.

Mr. Funk stated I like this statement I think in page 1 of 1, "billboards by their very nature are meant to be distracting". That's the whole purpose behind it.

Mr. Simpson asked are there any other questions or comments on these definitions?

Mr. Funk asked does this also cover those little signs that we talked about like on Santa Fe in front of a restaurant, the little placard type?

Mr. Andrew stated we have addressed those, those sandwich board signs, and we have a set of rules that are specific to the downtown Santa Fe area. John do you want to explain how those sidewalk signs work?

Mr. Burger stated basically since most of the businesses down there have a zero setback from the street they don't have an opportunity to put out signage or something that demonstrates what is happening on the inside. In those cases they are allowed to put up a small sandwich sign or small pedestal sign if they follow certain regulations by keeping it a certain distance from the building out of pedestrian traffic and taking it in and out at night so it's not out overnight with the exception of some planters and permanent fixtures. The position of those are kept where pedestrians could get around them easily and there is an application process they must go through to establish them there.

Mrs. Yarnevich asked is there action we need to take on this?

Mr. Andrew stated if you're in agreement with adding those definitions to the city's Sign Code then a motion to recommend approval of a text amendment would be in order.

MOTION: Mr. Mikesell stated I move we approve Application #Z07-7 as presented.

SECOND: Mrs. Yarnevich.

Mr. Simpson stated it has been moved and seconded that we approve Application #Z07-7. Any further questions or comments?

Mrs. Soderberg stated I would just make sure that we correct the spelling area under banner sign from "non-prigid" to "non-rigid".

Mr. Simpson stated so noted. Any other comments or questions? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

Item #5. Application #Z07-8, filed by the Salina City Planning Commission, requesting a comprehensive amendment of Article VI, District Regulations, Divisions 18, 19 and 20 relating to permitted and conditional uses and development limitations in the I-1 (Industrial Park), I-2 (Light Industrial) and I-3 (Heavy Industrial) districts. Continued from the May 15, 2007 meeting.

Mr. Andrew presented staff report which is contained in the case file.

Mr. Simpson asked do we have a motion to extend this or continue this to the July 17 meeting?

MOTION: Mr. Funk stated I move we continue Application #Z07-8 to the July 17 meeting.

SECOND: Mr. Mikesell.

Mr. Simpson stated it has been moved and seconded that we continue Application #Z07-8 to the July 17 meeting. Those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

- Item #6. Application #Z07-9, filed by the Salina City Planning Commission, requesting the amendment of Article V, General Bulk Regulations, by amending Section 42-83 Fences, Walls and Hedges to allow barbed wire fences in commercial zoning districts. Continued from the May 15, 2007 meeting.

Mr. Andrew presented staff report with visual graphics which is contained in the case file.

Mr. Simpson stated one of the examples we saw in that discussion was the Ace Hardware. Would they be excluded?

Mr. Andrew stated they would be grandfathered in.

Mr. Simpson asked but a similar type would not be allowed?

Mr. Andrew stated when we looked at that and whether we should extend that to Waters True Value, Wal-Mart, Kmart, Dillons or any of those places it was hard for us to view that as a necessity for an outdoor merchandise area. We didn't recommend that on our list but we said this is not an exhaustive list but it was a place to start for discussion.

Mrs. Soderberg asked what is the rationale for recreational facilities? That just doesn't make sense to me.

Mr. Andrew stated although there may be some rationale to avoid vandalism or if there are places with concession buildings or facilities there may be a rationale for doing that to prevent unauthorized use. I hadn't looked again at the one, the practice field there by the Bi-Center and Oakdale Park, I don't recall if that has barbed wire around it or not. But the Salina Stadium did have barbed wire on the fence at the south end.

Mrs. Soderberg asked on one end but not on the other?

Mr. Andrew stated I don't believe it's all the way around.

Mrs. Soderberg asked what sense does that make then?

Mr. Andrew stated I'm not sure that I can answer that. I don't believe that fence goes all the way around that facility.

Mrs. Soderberg asked Kansas Wesleyan doesn't have that?

Mr. Schneider stated no.

Mrs. Soderberg asked and is there a feeling that it's a problem to keep people out? Most of those facilities have members of the community who use the track to walk.

Mrs. Schneider stated I'm more concerned about vehicles and traffic like that tearing things up.

Mrs. Soderberg stated it's just that those types of facilities are very often imbedded in residential areas.

Mr. Andrew stated they are often visited by people of all ages.

Mrs. Soderberg stated it just seems incongruous for us to allow barbed wire there. Especially when it's only on a portion in this instance and it can't possibly be doing a lot to keep people out. I would have a difficult time with that one.

Mrs. Yarnevich asked is Central's stadium the only athletic field that has one?

Mr. Andrew stated I'm not sure about that. I know that the practice field by the Bicentennial Center does have a fence around it. I don't recall whether it has barbed wire strung atop that or not. Most of those are controlled access by gates. But certainly most of the ball diamonds like that don't tend to have barbed wire fences.

Mr. Funk asked what about the swimming pool?

Mr. Andrew stated I can't speak to that one.

Mrs. Yarnevich asked so you would want to scratch the recreational one?

Mrs. Soderberg stated I would just need to have somebody give me a good justification for it. I can understand the others that are on here. I just think visually where those facilities are often located to see barbed wire when it's not actually doing anything doesn't make sense to me. But if somebody from the School District or the City can tell me why it's necessary.

Mr. Andrew stated you can make a motion to delete it. If you like this concept of identifying specific exceptions from the limitation that limits barbed wire to just industrial zones, if you like that approach, we will come back to you with a specific drafted text amendment that reflects that direction.

MOTION: Mrs. Soderberg stated I move we approve Application #Z07-9 with the exception of #2, recreational facilities, unless in your research that you find some reason to include that.

Mr. Andrew stated we'll have to take some more photographs.

SECOND: Mrs. Yarnevich.

Mr. Simpson stated it's been moved and seconded that we proceed with this text amendment. Any further comments?

Mrs. Yarnevich asked are the recreational facilities in Industrial districts?

Mr. Andrew stated most are not. That's why you would list them as an exception. What the code says now is if you are in an Industrial district you can have barbed wire. If you're not in an Industrial district then you can't. We don't think that makes a lot of sense when you see how it's actually applied.

Mr. Simpson asked you will add the armories and the municipal airport?

Mr. Andrew stated yes and the municipal airport as well.

Mr. Simpson stated those in favor of this report please say "aye", all opposed same sign.

VOTE: Motion carried 8-0.

Item #7. Other matters.

Mr. Andrew stated we will bring that back to you in actual amendment form on July 3rd. We also have a final plan for the additional parking at the Hawthorne Elementary school conversion. One thing we might do is we will probably have Laurie contact you to see what people's travel plans are and whether we'll be at risk of not having a quorum. If we can't get a quorum for July 3rd then we'll just move those items to July 17. Also on the 17th we're

going to have a study session for you in this room and it will be on the subject of stormwater pollution prevention. We're at a point where we're going to have to adopt something locally. It's an EPA mandate that each community have an ordinance that deals with stormwater pollution prevention. We're going to have some representatives from KDHE here in the community to have a study session with you and members of the development community to discuss that whole concept. And that will be on the 17th.

Mrs. Yarnevich asked what time?

Mr. Andrew stated I think we're going to try to start it at 2:30. If that doesn't work what we may do is start it at 3:00 and start the regular meeting at 4:30 because we want to leave time for discussion and questions.

Mrs. Soderberg asked are we still trying to negotiate with the Comprehensive Plan contractor? Where are we on that?

Mr. Andrew stated we have moved to candidate #2 because we couldn't come to an agreement on a couple of things with the preferred candidate. So right now we're coming closer to an agreement with the Gould Evans group which was the #2 selection but more amenable to our schedule and budget. So we think that's where we had to go because we just reached an impasse with #1.

Mr. Funk asked who was #1?

Mr. Andrew stated the committee's recommendation, there was a team put together that had BWR (Bucher, Willis & Ratliff) teamed with the Clarion Associates, which is out of Colorado. They were going to team up and logistically and scheduling and budgetwise we couldn't come up with an agreeable scope of services so we moved on to the second choice which is a very solid firm called Gould Evans out of Kansas City, MO. We're pretty close to having something worked out with them. When we do we will get that scope of services and tentative schedule to you.

Mr. Simpson asked anything else?

Mr. Andrew stated that should cover it today.

Mr. Simpson stated we are adjourned.

Meeting adjourned at 4:54 p.m.

Dean Andrew, Secretary

ATTEST: _____